

REMARKS

A telephone interview was held on October 11, 2004 between Examiner Genco and Dennis Smid and Mayush Singhvi. Messrs. Smid and Singhvi wish to thank the Examiner for his time and consideration for such interview.

In light of the remarks to follow, entry of this amendment and reconsideration and allowance of this application are respectfully requested.

Claims 1, 3, and 5-7 are in this application.

Claims 1, 3, and 5-7 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,072,936 to Koyama in view of U.S. Patent No. 5,369,447 to Soloff.

Independent claim 1 recites in part as follows:

“...when the image data is read in the unit of block having said K lines and said L pixels and the read image data is short of the unit of block, said M lines are divided by said K lines resulting in a first remainder and said N pixels are divided by said L pixels resulting in a second remainder,

wherein a number of lines equal to half of said first remainder is added to an upper end of said image data and a lower end of said image data, and wherein a number of pixels equal to half of said second remainder is added to a left end of said image data and a right end of said image data.”

In explaining the above 103 rejection with regard to independent claim 1, the Examiner appears to acknowledge that Koyama “does not disclose nor preclude that the added lines and pixels are added on the image data on each of both end sides of the image equally.” (See, for example, lines 15-16 of page 3 of the present Final Office Action.) In an attempt to overcome this deficiency, the Examiner relies on Soloff, in particular, Fig. 2 and lines 37-42 of column 2 thereof. More specifically, the Examiner appears to assert that it would have been

obvious to combine the arrangement of Koyama with the teachings of Soloff (set forth in the relied upon portions of Soloff) to obtain the image data processing method of claim 1.

Contrary to the Examiner's assertion, it is respectfully submitted that it would not have been obvious to one of ordinary skill in the art to combine the teachings of Koyama with Soloff in the manner apparently proposed by the Examiner.

In this regard, reference is made to In re Fritch, (23 USPQ 2d 1780-CAFC 1992) in which the Court states at page 1783:

"Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined *only* if there is some suggestion or incentive to do so'. Although couched in terms of combining teachings found in the prior art, the same inquiry must be carried out in the context of a purported obvious 'modification' of the prior art. The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification....**It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious.** This court has previously stated that '[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention". (Underlining and bold added for emphasis.)

There does not appear to be any suggestion in Koyama and Soloff, as required by the Court in In Re Fritch, to combine the teachings of Koyama in the manner suggested by the Examiner for at least the reasons discussed below.

Koyama discloses in col. 9, lines 55 to col. 10, line 26 that 4 pixels X 80 pixels are added to the uppermost portion or lowermost portion of a 60 pixel X 80 pixel image so that

the image can be divided evenly into 8 pixel X 8 pixel processing blocks by the raster block converting unit. On the other hand, Soloff does not appear to add image data so that the image can be evenly divided into processing blocks. Rather, Soloff appears to add image data to extend each raster line of the image. The addition of image data to each raster line reduces the effects of edge distortion in the image. (See col. 2, lines 23-42 of Soloff.) As such, Koyama and Soloff add data to an image to solve different problems. Therefore, it is respectfully submitted that it would **not** have been obvious to combine Koyama in view of Soloff in the manner proposed by the Examiner.

Accordingly, it is respectfully requested that the above 103 rejection of independent claim 1 be withdrawn. For reasons similar to or somewhat similar to those previously described with regard to claim 1, it is also respectfully requested that that the above 103 rejection of independent claims 3, 6, and 7 be withdrawn.

Claim 5 depends from claim 3 and, as such, incorporates all of the features contained in claim 3. Accordingly, for at least the reasons previously described with regard to claim 3, it is also respectfully requested that that the above 103 rejection of claim 5 be withdrawn.


In the event, that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where, in the reference or references, there is the basis for a contrary view.

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith
to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:


Dennis M. Smid
Reg. No. 34,930
(212) 588-0800